

Senate File 2352 - Introduced

SENATE FILE 2352

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2078)

A BILL FOR

1 An Act relating to automated or remote systems for traffic law
2 enforcement, including by requiring data and alternative
3 measures prior to implementation of such systems and by
4 regulating the use and calibration of certain systems, and
5 including applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.492C Automated or remote
2 systems for traffic law enforcement — data and alternative
3 measures required — excessive speed violations limited —
4 calibration required.

5 1. The state or a local authority shall do all of the
6 following prior to implementing an automated or remote system
7 for traffic law enforcement at any location:

8 a. Produce and retain data that establishes the need for
9 an automated or remote system for traffic law enforcement to
10 improve safety at the specific location where the system will
11 be used.

12 b. Implement at least one alternative measure to improve
13 safety at the specific location where the system will be used,
14 for at least six months prior to implementation of the system.

15 c. Hold no fewer than two public hearings to discuss the
16 data and whether an automated or remote system for traffic
17 law enforcement is necessary when compared to the ability of
18 alternative measures to improve safety. Notice of the date,
19 time, and location of the hearing shall be published in the
20 manner described in section 331.305 or 362.3, as applicable.

21 2. a. The state or a local authority, as applicable, shall
22 make available to any person upon request the data and details
23 of alternative measures required by subsection 1.

24 b. If the required data does not establish the need for
25 an automated or remote system for traffic law enforcement to
26 improve safety, or if the state or local authority did not
27 implement at least one alternative measure to improve safety,
28 as required by subsection 1, the automated or remote system for
29 traffic law enforcement shall be considered to be operating
30 in violation of subsection 1. Any citation resulting from an
31 interaction with an automated or remote system for traffic law
32 enforcement operated in violation of subsection 1 is void and
33 unenforceable.

34 3. A local authority shall not enforce a violation for
35 exceeding the speed limit by less than twenty miles per hour

1 identified through the use of an automated or remote system for
2 traffic law enforcement if the moneys collected from citations
3 issued from all of the local authority's automated or remote
4 systems for traffic law enforcement during the fiscal year in
5 which the violation occurs equal or exceed two hundred fifty
6 percent of the municipal infraction revenue and scheduled fine
7 revenue collected by the local authority pursuant to section
8 602.8106, or any other provision of law, in the previous fiscal
9 year from traffic citations issued by the local authority's
10 peace officers or other officials.

11 4. A local authority shall have its automated or remote
12 systems for traffic law enforcement examined and calibrated by
13 a qualified person at least every three months.

14 5. Citations for any of the following violations issued
15 using an automated or remote system for traffic law enforcement
16 are void and unenforceable:

17 a. Violations for exceeding the speed limit by less
18 than twenty miles per hour after such violations become
19 unenforceable pursuant to subsection 3.

20 b. Violations identified through the use of an automated
21 or remote system for traffic law enforcement that has not been
22 examined and calibrated as required under subsection 4.

23 6. For purposes of this section, "*automated or remote system*
24 *for traffic law enforcement*" means a camera or other optical
25 device designed to work in conjunction with an official traffic
26 control signal or speed measuring device to identify motor
27 vehicles operating in violation of traffic laws, the use of
28 which results in the issuance of citations sent through the
29 mail or by electronic means.

30 7. Subsections 3, 4, and 5 do not apply to local authorities
31 with a population of more than twelve thousand, according to
32 the most recent federal decennial census.

33 Sec. 2. APPLICABILITY.

34 1. Except as provided in subsection 2, this Act applies to
35 automated or remote systems for traffic law enforcement on and

1 after July 1, 2022.

2 2. Section 321.492C, subsections 1 and 2, as enacted in this
3 Act, do not apply to automated or remote systems for traffic
4 law enforcement installed and in operation prior to July 1,
5 2022, until January 1, 2023. For purposes of this Act, January
6 1, 2023, shall be considered the implementation date of such a
7 system.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill regulates the implementation and use of automated
12 or remote systems for traffic law enforcement (ATE systems).

13 STATE AND LOCAL AUTHORITIES. The bill requires that, prior
14 to implementing an ATE system, the state or a local authority
15 must produce and retain data that establishes the need for
16 an ATE system to improve safety and implement at least one
17 alternative measure to improve safety at the specific location
18 where the ATE system will be used. An alternative measure must
19 be in place for at least six months prior to implementation of
20 the ATE system. The state or local authority must also hold no
21 fewer than two public hearings to discuss the data and whether
22 an ATE system is necessary when compared to the ability of
23 alternative measures to improve safety. The state or local
24 authority must make available to any person upon request the
25 data and details of alternative measures required under the
26 bill.

27 The bill makes any citation resulting from an interaction
28 with an ATE system operated in violation of these provisions of
29 the bill void and unenforceable.

30 LOCAL AUTHORITIES. The bill prohibits a local authority
31 from enforcing violations for exceeding the speed limit by
32 less than 20 miles per hour identified through the use of an
33 ATE system if the moneys collected from citations issued from
34 all of the local authority's ATE systems equal or exceed 250
35 percent of the municipal infraction and scheduled fine revenue

1 collected by the local authority in the previous fiscal year
2 from traffic citations issued by the local authority's peace
3 officers or other officials. Under the bill, a violation for
4 exceeding the speed limit by 20 miles per hour or more is
5 always enforceable regardless of whether it is identified by
6 an ATE system.

7 The bill requires a local authority to have its ATE systems
8 examined and calibrated by a qualified person at least every
9 three months.

10 Citations issued by a local authority using an ATE system
11 are void and unenforceable if the violation is for exceeding
12 a speed limit by less than 20 miles per hour and the revenue
13 threshold has been met, or if the ATE system has not been
14 examined and calibrated as required under the bill.

15 These provisions of the bill apply only to local authorities
16 with a population of 12,000 or less, according to the most
17 recent federal decennial census.

18 APPLICABILITY. The bill generally applies to ATE systems on
19 and after July 1, 2022. The provisions of the bill relating to
20 implementation of an ATE system do not apply to an ATE system
21 installed and in operation prior to July 1, 2022, until January
22 1, 2023. January 1, 2023, is considered the implementation
23 date for such ATE systems.